

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, February 8, 2010 at 7:00 p.m.
ATTENDANCE	Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
CONSENT AGENDA	Belt and Branigan moved and seconded the approval of the consent agenda. Unanimous.
PUBLIC HEARINGS Resolution 10-40	Held Public Hearing, approving the Plans, Specification, Form of Contract and Cost Estimate for the South 1 st Neighborhood Rehab., Phase I. Belt and Branigan moved and seconded approval. Unanimous.
Resolution 10-41	Held Public Hearing, authorizing disposal of a small piece of City property located on the north side of Lake Manawa by transferring it to the Iowa Department of Natural Resources in accordance with the Management and Title Transfer Agreement between the City and the IDNR. Branigan and Belt moved and seconded approval. Motion by Belt, second by Walsh, amending the Resolution to say the "south" side of Lake Manawa instead of the "north" side. Unanimous. Vote on original motion as amended. Unanimous.
Resolution 10-42	Held Public Hearing, approving the Plans, Specifications and Form of Contract for the Renovation and Rehabilitation of the HVAC Systems at Community Hall/Fire Station and the Council Bluffs Public Library, authorizing the City Clerk to advertise for bids setting a bid date for March 9, 2010 at 10:00 a.m. Belt and Schultz moved and seconded approval. Unanimous.
Resolution 10-43	Held Public Hearing, approving the Plans, Specifications and Form of Contract for the Union Pacific Railroad Museum Roof Replacement Project, authorizing the City Clerk to advertise for bids setting a bid date for February 23, 2010 at 10:00 a.m. Belt and Walsh moved and seconded approval. Unanimous.
Resolution 10-44	Held Public Hearing, approving the Plans, Specifications and Form of Contract for the River's Edge Park Tree Removal Project and authorizing the City Clerk to advertise for bids. Branigan and Schultz moved and seconded approval. Voice Vote: 4 Ayes; 1 Abstention (Head).
ORDINANCES ON SECOND READING Ordinance 6047	Walsh and Schultz moved and seconded approval, amending Title 17 entitled "Housing", by amending Section 17.01.010 entitled "Definitions" by amending Subsection #28 entitled "Rental Property". Heard from the following individuals against the title change. Carla Limmer, 3010 Avenue J, who submitted Article I referencing Section 60-5(2)(6) of Des Moines' Neighborhood Inspection Rental Code. Belt and Branigan moved and seconded to receive and file the document from Ms. Limmer. Unanimous. Heard from Roger Wahl, 20585 Greenview Road and Don Angeroth, 304 Glen Avenue, speaking against the amendment. Walsh referred to Article I from Des Moines, noting he'd consider a possible ordinance change to include "immediate family members" during the 3 rd reading of the ordinance. Head added, a provision for "family" should be included in the ordinance. Voice Vote: 4 Ayes; 1 Nay (Head). Walsh questioned if the ordinance could pass into law with the amendment made during 3 rd consideration. Wade mentioned since the amendment would make it less restrictive the ordinance could pass into law.
Ordinance 6049	Belt and Head moved and seconded approval, amending Chapter 2.08 "Schedule of Fees", by amending Section 2.08.070 "Parks and Recreation Fees and Charges". Unanimous.
Ordinance 6050	Belt and Branigan moved and seconded approval, amending Chapter 9.34.030 "Emergency Snow Routes". Unanimous.

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ORDINANCES ON THIRD READING Ordinance 6046

Schultz and Belt moved and seconded approval, amending Chapter 13.21 entitled "Property Maintenance Code" by adding a new Section 13.21.086 entitled "Residential Occupancies" which amends the International Property Maintenance Code Section 602.2, and also deleting Section 13.21.090 "Heat Supply" which deletes the International Property Maintenance Code Section 602.3 and amending the section 13.21.086 by striking "used to provide" and inserting the word "considered" a primary heating source. Heard from Carla Limmer, 3010 Avenue J, speaking against the title change and also discussed fire statistics. Walsh indicated the landlord is responsible to provide a heating unit that can get to 65°. The tenant may use an alternative heat source while turning down the primary heat source, but the gas or electric unit needs to be turned on and operational. Mayor Hanafan shared the City Council is trying to take care of the tenant. Walsh referenced fire statistics published by FEMA. Heard from Roger Wahl, 20585 Greenvue Road, requesting Council to drop the amendment. Schultz noted the City Council is looking to offer the best protection for tenants. Walsh further added the ordinance is based on a health and safety concern, ensuring people know the proper use of heaters and referenced instances regarding kerosene and salamander heaters. Heard Don Angerth, 304 Glen Avenue, against the amendment. Schultz pointed out landlords have to provide a primary source capable of reaching 65°; Schultz read the proposed definition and stated the definition does not rule out additional heat sources. Unanimous.

Ordinance 6048

Belt and Walsh moved and seconded approval, establishing tap-on fees for the East 29th Avenue Sanitary Sewer Extension as authorized in Chapter 5.25 "Tap-on Fees". Unanimous.

RESOLUTIONS Resolution 10-45

Branigan and Walsh moved and seconded approval, authorizing the continuation of a two percent (2%) franchise fee on the gross receipts from the sale of electric energy, as authorized in Ordinance 5880, through June 30, 2014. Voice Vote: 4 Ayes; 1 Nay (Belt).

Resolution 10-46

Branigan and Walsh moved and seconded approval, authorizing the continuation of a two percent (2%) franchise fee on the gross receipts from the sale of electric energy, as authorized in Ordinance 5881, through June 30, 2014. Voice Vote: 4 Ayes; 1 Nay (Belt).

Resolution 10-54

Belt and Head moved and seconded approval, directing the sale of General Obligation Refunding Capital Loan Notes, Series 2010A, and awarding bid to Robert W. Baird Co., Inc. at 1.7911%. Unanimous.

Resolution 10-47

Belt and Schultz moved and seconded approval, adopting fees charged by the Council Bluffs Police Department. Unanimous.

Resolution 10-48

Belt and Schultz moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with HDR for engineering services in connection with the I-80 Sanitary Pump Station Rehabilitation Study. Unanimous.

Resolution 10-49

Belt and Schultz moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Nelson Engineering Construction for the Wastewater Disinfection Project. Unanimous.

Resolution 10-50

Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with SBI General Mechanical for the Wastewater Treatment Plant Digester Complex Upgrade. Belt indicated there were 8 - 9 bids received on each project regarding Items 7F & 7, bids were substantially lower than the engineer's estimate; saving approximately \$1,000,000 on these projects. Unanimous.

Resolution 10-51

Belt and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Schemmer & Associates in connection with the South 32nd Street Sanitary Sewer Improvements, Phase I Project. Unanimous.

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Resolution 10-52 Belt and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to execute with the Iowa Department of Transportation Agreement No. IMN-29-3(65)54-OE-78 for right-of-way acquisition in connection with the I-29 & I-80 Interstate Improvements. Unanimous.

Resolution 10-53 Belt and Head moved and seconded approval, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Gas-Mart USA, Inc., d/b/a Cal's Food and Gas, 429 Veterans Memorial Highway, for a violation of Iowa Code Section 453A.2(1). Unanimous.

RECEIVE & FILE
ITEMS

Schultz and Belt moved and seconded the approval of Receive and File Items regarding Items 8A thru 8E. 8A. City's Proposed Operating Budget, setting Public Hearing for February 22, 2010 at 7:00 p.m.; 8B. Four (4) Notices of Claim; 8C. Two (2) Notices of Right of Redemption; 8D. Two (2) Offers to Buy (1) Aaron Schwartz; (2) Larry & Gloria West; 8E. One (1) Salvage Yard License Application, Anderson Excavating Company, 114 29th Avenue. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Schultz moved and seconded approval of Renewal & Additional Privilege Applications for Beer/Wine & Liquor Permits regarding Items 9A (1-8). 1. 1892 German Beer Haus, 136 West Broadway; 2. Driftwood Inn, 2701 Harry Langdon Boulevard; 3. Glory Days, 106 West Broadway; 4. Harrah's Council Bluffs Casino & Hotel, One Harrah's Boulevard; 5. Horseshoe Casino, Council Bluffs, 2701 23rd Avenue; 6. McGee's, 401 Veterans Memorial Highway; 7. Metro Wine, Spirits and Tobacco, 3418 West Broadway; 8. Sam's Italian Villa, 3312 West Broadway. Unanimous.

Heard from Jim Nelson, 102 Shaley Circle, regarding red light counters.

Heard from Jeff Sprowls, 1351 South 20th Street, Omaha, representing Omaha Beef Indoor Football.

Council Member Walsh thanked Finance Director Art Hill and Mayor Hanafan for recognizing the savings regarding the early retirement of existing bonds, a savings to taxpayers is approximately \$402,000.00.

ADJOURNMENT

Belt and Schultz moved and seconded adjournment at 7:52 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk